

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)
)
 v.) Case No. 1:22-mj-00022-JCN
)
XAVIER PELKEY)
)

**JOINT MOTION TO EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT**

The United States of America and Xavier Pelkey, by and through their undersigned counsel, respectfully move that the Court enter an order under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), excluding the time from March 5, 2022, through April 15, 2022, from calculation of the 30-day indictment or information period set forth in 18 U.S.C. § 3161(b).

On February 11, 2022, the Defendant, Xavier Pelkey, was arrested and a criminal complaint was filed against him, charging him with possessing unregistered destructive devices, in violation of 26 U.S.C. § 5861(d). Pelkey first appeared on February 11. Following a detention hearing on February 22, he was ordered detained pending trial.

Government counsel and Christopher K. MacLean, Pelkey's counsel, have begun discussing the possibility of resolving the case without the need for a grand jury indictment, but additional time is required for these discussions. The parties request that they be given additional time to continue their efforts to resolve the case. The interests of justice to be served by the requested exclusion of time outweigh the interest of Pelkey and the public in a speedy trial because the resolution of this case without the need for a grand jury indictment will save substantial resources and ensure a disposition of the charges agreeable to both parties.

Through counsel, Pelkey waives his speedy trial rights and consents to the requested exclusion of time under the Speedy Trial Act.

Given the schedule of upcoming grand jury sessions, the government is required to present the case for indictment to the grand jury by March 10, 2022, to meet the 30-day period mandated by 18 U.S.C. § 3161(b). An extension of time beyond March 10 is necessary and desirable for the reasons stated above. The grand jury will be sitting in Bangor on April 15, 2022. The government requests that the Court exclude the period between March 5, 2022, and April 15, 2022, so that either an indictment can be returned by April 15 or a waiver of indictment and guilty plea can be held by that date.

For the foregoing reasons, the parties respectfully request that the Court enter an Order excluding the period of time between and including March 5, 2022, and April 15, 2022, from calculation under the provisions of the Speedy Trial Act.

Respectfully submitted,

/s/ Craig M. Wolff
Craig M. Wolff
Assistant United States Attorney

/s/ Christopher K. MacLean
Christopher K. MacLean, Esq.
Counsel for Xavier Pelkey

Dated: March 5, 2022

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2022, I electronically filed this **Joint Motion to Exclude Time under the Speedy Trial Act** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Christopher K. MacLean, Esq.
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